

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 384 OF 2005

SHRI. THOTTIAN DEVASSY JOHN, ST.
CRUZ, GOA.

....Petitioner

Versus

SHRI. DAMIAO PEREIRA AND 2 ORS.,

....Respondents

Mr. S. D. Lotlikar, Senior Advocate with Ms. Kamaxi Sambari, Advocate for the petitioner.

Coram:- R. M. LODHA, J.

Date:- 21st October, 2005

P.C.

Heard Mr. S. D. Lotlikar, the learned Senior Counsel for the petitioner.

It is true that the application by the insurer for setting up additional defence that the driver of the vehicle was not holding the driving licence was set up by application dated 12.08.2004 in the claim petition which was filed in the year 1997, but the fact of the matter is that nothing substantial has progressed in the claim petition.

By granting the application of the insurer to set up the additional defence that the driver of the vehicle was not holding the driving licence, the Motor Accident Claims Tribunal cannot be said to have committed any error of law. The writ petition does not deserve to be entertained. Dismissed in limine.

In view of the fact that the claim petition is pending before the Motor Accident Claims Tribunal for almost 8 years, the Tribunal is directed to hear and decide the said claim petition as expeditiously as

possible and preferably within six months from the date of receipt of this Order.

R. M. LODHA, J.

ssm.